

**UNITED STATES PATENT AND TRADEMARK OFFICE**

*Examiner:*

*Group:*

*Attorney Docket #.: 3164*

In re:

Applicant(s): DI NICOLANTONIO, A.

Serial No.: 10/520,792

Filed:

**AMENDMENT**

June 24, 2008

Honorable Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

The Office Action of March 26, 2008 has been carefully considered.

The applicant's arguments with respect to the rejection of Claim 1 under 35 USC 102(b) has been considered and found to be persuasive. It is noted that this rejection has been withdrawn.

However, a new ground for rejection has been made in view of Tam et al., Patent No. 7,234,243.


Applicant wishes to further confirm the recent telephone conference with the Examiner in which the applicability of this reference was discussed in detail.

More specifically, it appears that this prior art is not applicable because the priority date of the reference is June 25, 2003, whereas the priority date of the subject application is June 23, 2003.

During the telephone conference the Examiner agreed that the reference should be withdrawn.

Since this is the only remaining ground of rejection, it is believed that the application should now be officially allowed.

Respectfully submitted,



Michael J. Striker  
Attorney for Applicant  
Reg. No.: 27233  
103 East Neck Road  
Huntington, New York 11743